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KMART CORPORATION

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Attorney for Plaintiffs

ASHLEY CHAVEZ, AMBER FOX,

and SHANNON GALLAGHER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ASHLEY CHAVEZ, an individual; AMBER
FOX, an individual; and SHANNON
GALLAGHER, an individual

Plaintiff,

v.

SEARS HOLDINGS MANAGEMENT
CORPORATION, a Delaware Corporation
d/b/a KMART and DOES 1 through 53,
inclusive

Defendant.

Case No. 11-cv-02152-PJH

**STIPULATION AND [~~PROPOSED~~] ORDER
RE CHANGE IN CAPTION**

Trial Date:
Judge:

Not Set
Hon. Phyllis J. Hamilton

STIPULATION

Whereas, on May 5, 2011, the court ordered the dismissal with prejudice of SEARS HOLDINGS MANAGEMENT CORPORATION as a party to this action pursuant to F.R.C.P. 41(a)(1)(A)(ii), and based on the appearance of KMART CORPORATION as the proper defendant in this matter;

Now therefore, the parties hereby stipulate to amend the caption of this case by substituting "SEARS HOLDINGS MANAGEMENT CORPORATION" with "KMART CORPORATION," as set forth in the form attached hereto as Exhibit A.

Respectfully submitted, this 15th day of August, 2011.

THE LAW OFFICE OF GARRY M.
TETALMAN

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Garry M. Tetelman
Garry M. Tetelman
Attorney for Plaintiffs
ASHLEY CHAVEZ, AMBER FOX,
and SHANNON GALLAGHER

By: /s/ Sarah Nichols
Danielle Ochs-Tillotson
Sarah R. Nichols
Attorneys for Defendant
KMART CORPORATION

[PROPOSED] ORDER

Pursuant to the Stipulation of the parties and FOR GOOD CAUSE showing, the above-captioned matter is hereby amended to substitute "SEARS HOLDINGS MANAGEMENT CORPORATION" with "KMART CORPORATION," as set forth in the form attached hereto as Exhibit A.

Dated: 8/19/11

U.S. DISTRICT COURT



SIGNATURE ATTESTATION PER GENERAL ORDER 45, SECTION X.B.

I hereby attest that I have on file consent to the use of a "conformed" signature (/s/) by
Plaintiffs' counsel for this e-filed document.

I declare under penalty of perjury pursuant to the laws of the State of California that the
foregoing is true and correct.

Executed on August 15, 2011, at San Francisco, California.

/s/ Sarah Nichols
SARAH R. NICHOLS

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ASHLEY CHAVEZ, an individual; AMBER
FOX, an individual; and SHANNON
GALLAGHER, an individual

Plaintiff,

v.

KMART CORPORATION, and DOES 1
through 53, inclusive

Defendant.

Case No. 11-cv-02152-PJH

Trial Date: Not Set
Judge: Hon. Phyllis J. Hamilton